



Consumer Financial  
Protection Bureau

1700 G Street NW, Washington, DC 20552

June 8, 2017

**Filed Via ECF**

The Honorable Robert D. Mariani  
U.S. District Court, Middle District of Pennsylvania  
William J. Nealon Federal Bldg. & U.S. Courthouse  
235 N. Washington Avenue  
Scranton, PA 18503

Re: *Consumer Financial Protection Bureau v. Navient Corp., et al.*,  
Case No. 3:17-CV-00101-RDM

Dear Judge Mariani:

On behalf of the Consumer Financial Protection Bureau (Bureau), the plaintiff in the above-captioned matter, I write regarding the oral argument scheduled for June 27, 2017 on Defendants' motion to dismiss, or, in the alternative, for a more definite statement.

Specifically, I write to notify the Court that the Bureau intends to have two attorneys address the Court during the oral argument: (1) Lawrence DeMille-Wagman, from the Bureau's Legal Division, to address Defendants' challenge to the constitutionality of the Bureau, and (2) the undersigned, to address all of Defendants' other arguments. The constitutional issue is discrete and unrelated to the specific allegations raised in the Complaint. In addition, the Bureau's Legal Division is responsible for all litigation concerning the constitutionality of the Bureau, and counsel for the Legal Division have appeared before other courts to address these challenges. *See, e.g., PHH Corp. et al. v. CFPB*, No. 15-1177 (D.C. Cir. en banc) (argued May 24, 2017). Accordingly, we believe that having counsel from the Legal Division address the constitutional issue, and for the undersigned to separately address all other issues, will best aid the Court in understanding the Bureau's arguments against dismissal, without hindering the Bureau's efficient presentation of its portion of the argument.

The Local Rules do not address whether more than one attorney can present for a party at a hearing, in contrast to other types of instances where the Rules allow only one attorney to present unless leave of the Court is obtained. See LR 39.1 (“Unless the trial judge shall otherwise grant leave, only one attorney may open or sum up for any party [at a civil trial].”); LR 43.2 (“On the trial of an issue of fact, only one attorney on either side shall examine or cross-examine any witness, unless otherwise permitted by the court.”). Thus, it appears to the Bureau that having two attorneys address the Court at the June 27, 2017 argument does not require any action by the Court. Nonetheless, the Bureau is notifying the Court of its intention in advance of the oral argument in the event that the Court has any questions or concerns regarding the Bureau’s planned approach.

Thank you for your time and consideration.

Sincerely,

/s/ Nicholas Jabbour  
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Enforcement Attorney  
Consumer Financial Protection Bureau

Cc: All counsel (via operation of ECF)